

114TH CONGRESS
1ST SESSION

H. R. 1128

To amend title 38, United States Code, to make certain improvements in the information security of the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2015

Mrs. KIRKPATRICK introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to make certain improvements in the information security of the Department of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Vet-
5 erans Affairs Cyber Security Protection Act”.

6 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS INFORMA-**
7 **TION SECURITY IMPROVEMENTS.**

8 (a) SUBMITTAL OF QUARTERLY INFORMATION SECUR-
9 RITY REPORT TO CONGRESS.—Paragraph (14) of sub-

1 section (b) of section 5723 of title 38, United States Code,
2 is amended by inserting “and to the Committees on Vet-
3 erans’ Affairs of the Senate and House of Representa-
4 tives” after “to the Secretary”.

5 (b) PLAN FOR ADDRESSING KNOWN INFORMATION
6 SECURITY VULNERABILITIES.—Such subsection is further
7 amended by adding at the end the following new para-
8 graph:

9 “(17) Submitting to the Chairs and Ranking
10 Members of the Committees on Veterans’ Affairs of
11 the Senate and House of Representatives, by not
12 later than 30 days after the last day of each fiscal
13 quarter, a summary of any plans of action and mile-
14 stones for any known information security vulner-
15 ability, as identified pursuant to a widely accepted
16 industry or Government standard, that includes—

17 “(A) specific information about the indus-
18 try or Government standard used to identify the
19 known information security vulnerability;

20 “(B) a detailed timeline with specific dead-
21 lines for addressing the known information se-
22 curity vulnerability; and

23 “(C) an update of any previously specified
24 timeline and the rationale for any deviations
25 from such timeline.”.

1 (c) PLAN FOR REPLACING OUTDATED OPERATING
2 SYSTEMS.—Such subsection is further amended by adding
3 at the end the following new paragraph:

4 “(18) Submitting to the Committees on Vet-
5 erans’ Affairs of the Senate and House of Rep-
6 resentatives, by not later than January 1 of each
7 year, a plan for identifying and replacing operating
8 systems of the Department that are unsupported
9 and that includes—

10 “(A) in the case of an operating system
11 other than an operating system covered under
12 subparagraph (C), requirements that the oper-
13 ating system be removed from the network of
14 the Department no later than 15 days after the
15 date on which the operating system is identified
16 as being out-of-date or unsupported;

17 “(B) information concerning the number of
18 systems so identified during the year preceding
19 the year in which the report is submitted, when
20 each such system was so identified, and when
21 each system so identified was removed from the
22 network of the Department; and

23 “(C) in the case of an operating system
24 the Secretary determines is essential for the
25 proper operation of any medical device or equip-

1 ment, a description of the operating system and
2 a detailed discussion of steps taken to ensure
3 the security of the operating system.”.

4 (d) SOFTWARE SECURITY.—Such subsection is fur-
5 ther amended by adding at the end the following new para-
6 graph:

7 “(19) Ensuring that any software or Internet
8 applications used on systems by the Department are
9 as secure as practicable from any known
10 vulnerabilities that could affect the confidentiality of
11 sensitive personal information of veterans.”.

12 (e) THIRD PARTY VALIDATION.—Not later than 60
13 days after the date of the enactment of this Act, the Sec-
14 retary of Veterans Affairs shall submit to the Committees
15 on Veterans’ Affairs of the Senate and House of Rep-
16 resentatives a report on third party validation of Depart-
17 ment of Veterans Affairs security. Such report shall in-
18 clude—

19 (1) a description of any steps the Secretary has
20 taken to provide for a systemic and ongoing evalua-
21 tion of the information security of the Department
22 by a non-Department entity; and

23 (2) a description of any steps the Secretary
24 plans to take to provide for such evaluation.

1 **SEC. 3. INFORMATION TECHNOLOGY REPORTING REQUIRE-**
2 **MENTS.**

3 (a) IN GENERAL.—Chapter 57 of title 38, United
4 States Code, is amended—

5 (1) by redesignating sections 5727 and 5728 as
6 sections 5729 and 5730, respectively; and

7 (2) by inserting after section 5726 the following
8 new sections:

9 **“§ 5727. Reporting requirements**

10 “Not later than 30 days after the last day of each
11 fiscal quarter, the Secretary shall submit to the Commit-
12 tees on Veterans’ Affairs of the Senate and House of Rep-
13 resentatives a report that includes the following informa-
14 tion for that fiscal quarter:

15 “(1) A detailed description of any incidents of
16 failure to comply with established information secu-
17 rity policies that occurred during that quarter.

18 “(2) Any actions taken in response to such an
19 incident.

20 “(3) Any reports made under paragraphs (8)
21 through (10) of subsection (b) of section 5723 of
22 this title during that quarter.

23 “(4) Written certification that the requirements
24 of section 5722(c) of this title were followed during
25 that quarter.

1 “(5) A detailed discussion of whether each rec-
2 ommendation made by the National Institute of
3 Standards and Technology, the Office of Manage-
4 ment and Budget, or the Department of Homeland
5 Security relating to information security have been
6 implemented by the Department, and if not, an ex-
7 planation of why such recommendation was not im-
8 plemented.

9 “(6) Steps taken to ensure the security of the
10 Veterans Health Information Systems and Tech-
11 nology Architecture of the Department that allows
12 for an integrated inpatient and outpatient electronic
13 health record for patients and provides administra-
14 tive tools to employees of the Department taken dur-
15 ing that quarter.

16 **“§ 5728. Information security strategic plan**

17 “(a) PLAN REQUIRED.—Not later than one year
18 after the date of the enactment of this section, the Sec-
19 retary shall submit to the Committees on Veterans’ Affairs
20 of the Senate and House of Representatives a strategic
21 plan for improving the information security and informa-
22 tion technology infrastructure of the Department. Such
23 plan shall address—

24 “(1) an information security plan for protecting
25 the sensitive personal information of veterans while

1 not unduly interfering with the ability of the Depart-
2 ment to provide benefits and services to veterans
3 and their dependents;

4 “(2) how the Department can improve its com-
5 pliance with information security requirements;

6 “(3) training and recruitment of employees with
7 the necessary expertise and abilities in information
8 security; and

9 “(4) the institutional capability of the Depart-
10 ment to address information security threats and to
11 implement best practices related to information se-
12 curity.

13 “(b) BIENNIAL UPDATES.—The Secretary shall sub-
14 mit to the Committees on Veterans’ Affairs of the Senate
15 and House of Representatives biennial updates to the
16 plan required by subsection (a).”.

17 (b) CLERICAL AMENDMENTS.—The table of sections
18 at the beginning of such chapter is amended by striking
19 the items relating to sections 5727 and 5728 and inserting
20 the following new items:

“5727. Reporting requirements.

“5728. Information security strategic plan.

“5729. Definitions.

“5730. Authorization of appropriations.”.

1 **SEC. 4. REQUIREMENTS FOR DEPARTMENT OF VETERANS**
2 **AFFAIRS CONTRACTS FOR DATA PROCESSING**
3 **OR MAINTENANCE.**

4 (a) IN GENERAL.—Section 5725(a) of title 38,
5 United States Code, is amended—

6 (1) in paragraph (2), by striking the period and
7 inserting “; and”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(3) the contractor shall provide protective
11 measures to safeguard from possible information se-
12 curity threats any information provided by the De-
13 partment that will be resident on or transiting
14 through information systems controlled by the con-
15 tractor.”.

16 (b) APPLICABILITY.—Paragraph (3) of section
17 5725(a) of title 38, United States Code, shall apply with
18 respect to a contract entered into after the date of the
19 enactment of this Act.

20 **SEC. 5. REPORT ON DEPARTMENTAL ORGANIZATION AND**
21 **RESPONSE TO INFORMATION SECURITY INCI-**
22 **DENTS.**

23 Not later than five years after the date of the enact-
24 ment of this Act, the Secretary of Veterans Affairs shall
25 submit to the Committees on Veterans’ Affairs of the Sen-
26 ate and House of Representatives a report on information

1 security protection and the accountability of the Depart-
2 ment of Veterans Affairs for information security breeches
3 and incidents. Such report shall include—

4 (1) a discussion of any organizational changes
5 that could be made within the Department to pro-
6 vide for an increased level of information security
7 protection for veterans;

8 (2) a discussion of any organizational changes
9 that could be made within the Department to pro-
10 vide for greater accountability and responsibility for
11 information security; and

12 (3) a plan to develop a system of better assign-
13 ing costs associated with data breeches and informa-
14 tion security incidents, including the costs associated
15 with notifications and credit monitoring services,
16 where applicable, to the offices and subdivisions of
17 the Department responsible for such breeches and
18 incidents.

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